

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Joyce Williams-Pearson,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 3:14-1137-MGL
)	
South Carolina Department of Mental)	
Health,)	
)	
Defendant.)	ORDER
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Plaintiff filed an employment discrimination action in the Court of Common Pleas of Richland County, South Carolina, on February 1, 2014. (ECF No. 1-1). On March 25, 2014, Defendant removed the action to this Court on the asserted basis of federal question jurisdiction. (ECF No. 1)

The matter now comes before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case had previously been assigned, in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C. In the Report, the Magistrate Judge recommends that Plaintiff’s Motion to Remand be granted, as Plaintiff’s Complaint appears to raise claims based only on state law. (ECF No. 17). Defendant filed a timely Objection. (ECF No. 18). The matter is now ripe for decision.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de

novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

In light of the standards set forth above, the Court has reviewed, de novo, the record, including, in particular, Defendant’s Objection, in which Defendant objects only to request that the Court expressly rule that, by filing a motion to remand and maintaining in said motion that her Complaint raises only state-based employment discrimination claims, Plaintiff has waived any claim for damages under federal law. (ECF No. 18).

The Court has carefully reviewed the Magistrate Judge’s analysis and agrees with the Magistrate Judge’s key determination that no federal question is presented on the face of Plaintiff’s well-pleaded Complaint, given that nowhere within the four corners of the Complaint does Plaintiff refer to Title VII of the Civil Rights Act or any other federal statute, or identify any other federal law as an essential element of a claim. The Court therefore **ACCEPTS** the Report of the Magistrate Judge, (ECF No. 17), and as recommended, Plaintiff’s Motion to Remand, (ECF No. 6), is **GRANTED**.

The Court will not, as urged by Defendant, include express language in this Order indicating that Plaintiff has waived any claim for damages under federal law. The Court will, however, reiterate that the basis of remand is the Court’s determination that the instant

Complaint seeks no relief under federal law. The Court would also reiterate for the record Plaintiff's express statement in the course of seeking remand that "[t]he issues raised in [this] Complaint are very clearly issues of South Carolina state law and no issues given [sic] rise to federal question jurisdiction are presented." (ECF No. 6-1 at p. 1).

This matter is hereby remanded to the Court of Common Pleas, Richland County, South Carolina, and the Clerk of this Court is directed to mail a certified copy of the Order of Remand to the Clerk of the Court of Common Pleas for Richland County.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

October 6, 2014
Spartanburg, South Carolina